

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICK HENDERSON,

Defendant.

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ORDER

97-cr-74-bbc

Defendant Patrick Henderson has filed a motion for confirmation of eligibility under the proposed Fair Sentencing Act of 2010 (S. 1789). If enacted, this bill would eliminate certain increased penalties for cocaine. In his motion, defendant acknowledges that the bill has yet to become law but requests confirmation of his eligibility for resentencing should it become law. I decline to make such a determination at this time. If legislation should be enacted and if it should be made retroactive to cases in which sentences have been imposed, defendant will be free to file a motion.

ORDER

IT IS ORDERED that defendant Patrick Henderson's motion for confirmation of

eligibility is DENIED.

Entered this 19th day of April, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge